

DIST/OFFICE	DOCKET		FILING DATE			J	N/S	O	R	R 23	\$	DEMAND OTHER	JUDGE	JURY	DOCKET	
	YR.	NUMBER	MO.	DAY	YEAR								NUMBER	DEM.	YR.	NUMBER
1085/4	76	0594	11	24	76	3	440	1					8510	P D	76	0594-C

PLAINTIFFS

DEFENDANTS

T & W INVESTMENT COMPANY, INC.,  
an Oklahoma corporation

THOMAS KURTZ and ~~AETNA CASUALTY  
AND SURETY COMPANY~~

CAUSE

42 USC Sec. 1983-action to recover for deprivation of property rights by  
deft. Kurtz, acting under color of state law as receiver for plaintiff and  
another corporation

ATTORNEYS

*Dr.*  
David H. Sanders, Philip McGowan  
205 Denver Building  
Tulsa, Oklahoma 74119  
582-5181

Gerard K. Donovan  
Mid-Continent Bldg.  
Tulsa, Okla. 74103

*Still on the case for Kurtz*  
~~Sidney G. Dunagan (Kurtz)~~  
~~2010 Fourth National Bank Bldg~~  
~~Tulsa, OK 74119~~  
~~582-9201~~

~~Richard D. Wagner (Aetna)~~  
~~310 Beacon Bldg.~~  
~~Tulsa, OK 74103~~  
~~584-6457~~

☐ CHECK  
HERE  
IF CASE WAS  
FILED IN  
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FILING FEES PAID

DATE	RECEIPT NUMBER	C.D. NUMBER

STATISTICAL CARDS

CARD DATE MAILED  
JS-5 12-1-76  
JS-6 7-1-77

DATE	NR.	PROCEEDINGS
11-24-76	1.	Complaint, filed. Summons issued. hm
11-29	2.	Pltf's DEMAND FOR JURY TRIAL, filed. ph
12-13	3.	Affidavit of service of summons and complaint, filed. Served Thomas Kurtz on 11/29/76 in Tulsa; served Aetna Casualty by serving Ins. Comm. in Okla. City on 12/2/76, both by Certified mail. rm
12-13	4.	Joint appl. of defts. for ext. of time to ans., filed.ph
12-16	5.	Order, filed, granting defts. until 12-31-76 to ans. (HDC-J)ph cps mld
12-30	6.	Ans. of Aetna Casualty and Surety Company, filed. ph
12-30	7.	Request for JURY TRIAL by deft. Aetna Cas. & Surety Co., filed. ph
12-30	8.	Motion to Dismiss of deft. Aetna Casualty & Surety, filed. ph
12-30	9.	Brief in support of motion to dismiss of Aetna Cas. & Surety, filed. ph
12-30	10.	Motion to dismiss of Thomas W. Kurtz, filed. ph
12-30	11.	Brief in support of motion to dismiss of Thomas W. Kurtz, filed. ph
12-30	12.	Appendix to brief in support of motion to dismiss of deft. Kurtz and al Clerk's Cert., filed. ph
12-30	13.	Affidavit in support of motion to dismiss or Thomas W. Kurtz, filed. ph
1-3-77	MO:	It is ordered by the Court that the Pltf. file a resp. brief within 10 days to the Motion to Dismiss of deft. Aetna Casualty and Surety Co. and the Motion to Dismiss of deft. Thomas W. Kurtz. (HDC-J)ph cps mld
1-11	14.	Supplement to appendix to brief in support of mo/dismiss of def., Kurtz, filed. rm
1-11	15.	Appl. of pltf. for ent. of time to respond to motions to dismiss of defts., filed. rm (O to J)
1-12	16.	Order, filed, granting pltf. to 1/28/77 to respond to mos/dismiss. (HDC-J)rm-copies mailed
1-28	17.	Brief of pltf. in response to def. Kurtz' mo/dismiss, filed. rm
1-28	18.	Appl. of pltf. for dismissal wo/prej. of def. Aetna, filed. rm
3-15	MO:	Case set for hearing and oral arguments on mo/dismiss of deft. Aetna, mo/dismiss of deft. Kurtz, and pltf's applic. for dismissal w/o prej. of deft. Aetna 3-23-77 at 10:30 a.m. (HDC-J)hm (notices mailed)
3-23	MO:	Hearing held on pltf's applic. for dismissal w/o prej. of deft. Aetna, deft. Kurtz's mo/dismiss and deft. Aetna's mo/dismiss. Statements made. Pltf's applic. for dismissal w/o prej. of deft. Aetna and deft. Aetna's mo/dismiss sustained. Pltf. counsel to prepare order. Court states mo/dismiss of deft. Kurtz is considered as a motion for S/J by the Court. Pltf. given 10 days to file any addit. brief or counter-affidavits; deft. 5 days thereafter to respond. Court takes ruling under advisement. (HDC-J)hm
4-4	19.	Pltf's amendment to petition and exhibits in resp. to defts' mo/SJ w/affidavit of Jack A. Sharp, filed. ph
4-8	20.	Motion of def. Kurtz to strike pltf. amendment to petition & exhibits in response to def. Kurtz's mo/SJ, filed. rm
4-8	21.	Brief in support of mo/strike, etc., filed. rm
4-11	MO:	Ordered by the Court that pltf. is granted 10 days to respond to def. Kurtz's mo/strike amend. to petition & exhibits in response to def.'s mo/SJ.(HDC-J)rm-letter
4-21	22.	Pltf's brief in resp. to mo/strike pltf's amendment to petition and exhibits in resp. to deft. Kurtz' motion for S/J, filed. ph
5-2	23.	Order, filed & ent., dismissing as to def. Aetna only.(HDC-J)rm-copies md.

## CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>76-C-594-C</u>
T & W Investment		Thomas Kurtz	PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
5-13-77	24.	Appl. of def. Kurtz to suppl. and suppl. to brief in support of Kurtz's mo/dismiss and Clerk's certificate, filed. rm	
6-15	25.	Order, filed and entered, that motion of deft. Thomas W. Kurtz for summary judgment is hereby sustained. (HDC-J)hm (copies mailed)	
6-24	26.	Bill of costs, filed. Tax hearing set before Clerk 6-30-77 at 11:00 a.m. hm	
6-24	27.	Deft's motion to tax costs, filed. hm	
6-24	28.	Brief in support of mo/tax costs, filed. hm	
6-24	MO:	Ordered that pltf. file resp. brief within 10 days to deft's mo/tax costs. (HDC-J)hm	
6-28	29.	Pltf's appl. for ext. of time. to file brief to the deft's motion to tax costs, filed. ph (O to J)	
6-28	30.	Order enlarging time to file resp. brief to deft's mo/tax costs, filed, granting pltf. until 7-13 to file said brief. (HDC-J)hm (copies mailed)	
6-30		Costs taxed in favor of deft. in amt. of \$71.05.(JCS-Clk)rm	
7-11	31.	Notice of appeal by pltf. from order of 6/15/77, filed. rm (copy to USCA, ct. reporter & judge)	
7-13	32.	Brief in oppos. of motion to tax costs of deft. Thomas Kurtz, filed. ph	
7-14	33.	Deft. Kurtz' motion to increase bond for costs on appeal, filed. ph	
7-14	34.	Affidavit of Thomas W. Kurtz in support of motion to increase bond for costs on appeal, filed. ph	
7-14	35.	Deft. Kurtz' brief in support of motion to increase bond for costs on appeal, filed. ph	
7-14	MO:	It is ordered by the Court that the pltf. file a resp. brief within 10 days to the deft. Kurtz' Motion to increase bond for costs on appeal. (HDC-J)ph ltr mld	
7-14	36.	Pltf's bond for costs on appeal in amt. of \$250.00, filed. ph	
7-15	37.	Resp. of Pltf's Brief in Opp. of Mtn. to Tax Costs of Dft. Thomas Kurtz, filed.jj	
7-15	38.	Affidavit of James M. Sturdivant, filed.jj	
7-22	39	Pltf. brief in response to Deft. mot. to increase bond for costs on appeal. fld. ho	
7-25	---	Original appeal record (1 vol) transmitted to USCA. rm	
8-1	40.	Motion of appellee to supplement the appeal record, filed.rm (O to be in)	
8-1	42.	Order, filed, directing Clerk to suppl. appeal record.(HDC-J)rm-copies to movant	
8-2	---	Appeal record (suppl. Vol. I) transmitted to USCA. rm	
8-15	43.	Order, filed, that deft's mo/tax costs to include award of atty fees should be held in abeyance pending appeal and the motion to increase bond for costs on appeal is overruled. (HDC-J)ph cps mld	
8-19		Letter, filed, assigning circuit no. 77-1611. ra	

(CONTD)

## CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>76-C-594-C</u>
T & W INVESTMENT		KURTZ	PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
<u>1979</u>			
1-11	44	Mandate and opinion of 10th Circuit, filed and spread of record, affirming ct.'s judg. rm	
1-11	45	Statement of costs from 10th Circuit, filed and taxed in amt. of \$213 in favor of Kurtz and against T&W. rm	
1-12	---	Copy of Suppl. Vol. I only, recd. from USCA.rm	
1-12	46.	Applic. of deft. Kurtz for disbursement to deft. of pltf's bond for costs on appeal, filed. (O to J)hm	
1-15	47	Order, fld, that deft's application/disbursement to deft of pltf's Bond for costs on appeal is hereby GRANTED and bond for costs on appeal shall be hereby forfeited and disbursed to deft Thomas Kurtz (Clerk to pay sum of \$250.00 from Registry); upon disbursement, deft shall be denied further costs in form of atty fees; further ordered that deft's judgement for costs against pltf shall be rendered SATISFIED in full upon payment of \$250.00 by clerk to deft Kurtz.(HDC-J)ra cps mld	
2-5	---	Orig. appeal record (Vol. I + Suppl. Vol. I) received from USCA. rm	